

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 13: Review and Adjustment/ Modification of the Child Support Order	Effective Date: 07/01/2019
	Section 3: Review and Adjustment Procedures	Version: 1.2 Revision Date: 02/26/2020

BACKGROUND

N/A

POLICY

1. The Title IV-D Prosecutor shall conduct a review of the child support order and, if warranted, file a Petition to Modify Support at the request of either the custodial or non-custodial party,¹ as long as the request meets the requirements of Section 2 of this Chapter.
2. The Title IV-D Prosecutor is strongly recommended to initiate a review whenever the Title IV-D Prosecutor learns that a substantial and continuing change of circumstances has occurred (e.g., a party has become disabled, been incarcerated, reduction of income, etc.).
3. If a review indicates that an adjustment of the child support order is necessary to bring the child support obligation into conformity with the Indiana Child Support Guidelines, the Title IV-D Prosecutor shall file a petition to modify the order, without regard to who requested the review (custodial or non-custodial parent) or whether the child support obligation is likely to increase or decrease as a result of the modification.²
4. If a review of the child support order reveals that the health care needs of the children are not addressed, the Title IV-D Prosecutor shall file a petition to modify the order to require either parent to provide:
 - a. Health care coverage when available at a reasonable cost; and/or
 - b. Cash medical support.³
5. The Title IV-D Prosecutor is not required to provide review and adjustment when the youngest child is within four months of the emancipation age. However, this exception shall not apply to a case in which the Title IV-D Prosecutor has reason to believe the child support obligation will continue past the age of emancipation due to the child's disability, if there are other children covered by the support order, or if any active children on the case are subject to court order extending current child support beyond age 19 due to a child's status as a full-time high school student.
6. In intergovernmental cases, if Indiana's order is determined to be the controlling order and either party resides in Indiana, the Title IV-D Prosecutor shall apply Indiana law, the

¹ 45 C.F.R. § 303.8(a)

² 45 C.F.R. § 303.8(a); 45 C.F.R. § 303.8(b)(3)(ii)(A); IC 31-25-4-17(a)(7)(B)

³ 45 C.F.R. §303.31(b)(3)(i); 45 C.F.R. §303.31(b)(4); IC 31-16-6-4; IC 31-16-8-2

Indiana Child Support Guidelines, and this policy to the review and adjustment process. See the Intergovernmental Case Management chapter for more information on modifications of child support in intergovernmental cases.

REFERENCES

- [IC 31-16-6-4](#): Medical support
- [IC 31-16-8-1](#): Modification or revocation of child support order or maintenance order
- [IC 31-16-8-2](#): Medical Support
- [IC 31-25-4-17](#): Support related duties of bureau
- [IC 31-25-4-13.1\(e\); \(f\)\(1\)](#): Agreements with local government officials; contracting; attorney-client relationship; informing applicant; service level stipulation
- [42 U.S.C. § 666\(a\)\(10\)](#): Review and Adjustment of Support Orders Upon Request
- [45 C.F.R. §303.31](#): Securing and enforcing medical support obligations.
- [45 C.F.R. § 303.8](#): Review and adjustment of child support orders.
- [Indiana Child Support Guidelines](#)
- [Clark v. Clark, 902 N.E. 2d 813 \(Ind. 2009\)](#) Holds that incarceration is a substantial and continuing change of circumstances that warrants a potential modification of child support

PROCEDURE

1. Notification of Review and Information Gathering

The Title IV-D Prosecutor shall notify both parties that a review is being conducted of the child support obligation. The notice shall contain the following information:

- a. The purpose of the review.
- b. The timeframe of the review.
- c. The possible outcomes of the review.
- d. The party's procedures for contesting the outcome of the review.
- e. A request for financial and other information necessary to conduct the review.

The Title IV-D Prosecutor is strongly recommended to notify both parents at the same time and include a Statement that if complete and accurate information is not provided by the party within a reasonable and specified amount of time (e.g. 30 days), the Title IV-D agency will use whatever information is reasonably available about the party's income, etc., to conduct the review.

2. Failure to Submit Adequate Information

If one or both parties fail to respond within the number of days specified in the Title IV-D Prosecutor's notice of review and request for information, or a party submits insufficient or inaccurate information, the Title IV-D Prosecutor shall take one of the following actions:

- a. If the requesting party is the one who failed to satisfy the request for information, and the review is not otherwise required by federal timelines for a TANF case (see Section 2 of this Chapter), the Title IV-D Prosecutor shall notify both parties that the review has been terminated due to the requesting party's failure to provide adequate information.

- b. In all other cases, the Title IV-D Prosecutor shall continue with the review using the best available information for the non-responsive party.

3. Conducting the Review

Upon receipt of sufficient information, the Title IV-D Prosecutor shall complete the Child Support Obligation Worksheet to determine the support obligation.

4. Determining whether Adjustment is Warranted

An adjustment to the child support obligation is warranted if:

- a. At least one year has passed since the date of the most recent child support order *and* there is at least a 20% difference (increase or decrease) between the current order and the amount indicated by the Child Support Worksheet;
or
- b. There has been a showing of changed circumstances so substantial and continuing as to make the prior terms of the order unreasonable.
- c. A petition has been filed to extend the current child support order past age 19 due to a child's full-time status as a high school student.

5. Notification of the Results of the Review

- a. If the review determines that an adjustment to the child support order is not warranted, the Title IV-D Prosecutor shall send both parties a communication advising them that:
 - i. The review is complete.
 - ii. No modification of the support obligation is warranted.
 - iii. No further action will be taken by the Title IV-D Prosecutor.
 - iv. If one or both parties disagree with the Title IV-D Prosecutor's decision, they have the right to seek a modification of support in the court that issued the support order.

It is recommended that a copy of the completed Child Support Obligation Worksheet be included with the communication. Parties may be referred to the Indiana Judicial Branch Self-Service Legal Center for pro se materials.

- b. If the review determines that an adjustment to the child support obligation is warranted, the Title IV-D Prosecutor shall send both parties a communication advising them that:
 - i. The review is complete.
 - ii. A modification of the support obligation is warranted.
 - iii. A petition to modify support shall be filed promptly by the Title IV-D Prosecutor.

It is recommended that a copy of the Child Support Obligation Worksheet be included with the communication.

6. Adjusting the Child Support Obligation

- a. If the review determined that an adjustment of child support was warranted, the Title IV-D Prosecutor shall promptly file a petition to modify support. The Child Support Obligation Worksheet may be included with the petition.⁴
- b. A petition to modify support in a Title IV-D case shall be brought by the Title IV-D Prosecutor on behalf of the State of Indiana⁵ and does not require the signature of the custodial or non-custodial parent.
- c. If the Court allows, the Title IV-D Prosecutor may notify the parties that they can enter into an Agreed Order to modify support without having to attend a court hearing. If the parties wish to do so, the Title IV-D Prosecutor shall facilitate the preparation and signing of the Agreed Order and shall promptly file the signed Agreed Order with the Court.

7. Retroactive Modification of Support

A modification of child support shall not take effect prior to the date of the filing of the Petition to Modify.⁶

FORMS AND TOOLS

1. [Child Support Obligation Worksheet](#)
2. Petition to Modify Support
3. Agreed Order to Modify Support
4. Financial Statement
5. [Indiana Judicial Branch Self-Service Legal Center](#)
6. Emancipation After 19 in ISETS Desktop Guide (not yet published)

FREQUENTLY ASKED QUESTIONS

N/A

RELATED INFORMATION

REVISION HISTORY

Version	Date	Description of Revision
Version 1	11/19/2013	Final Approved Version
Version 1.1	07/01/2019	Revised to add reference to change in emancipation if a child is a full time student at age 19
Version 1.2	02/26/2020	Revised to add reference to our procedure for identifying

⁴ IC 31-25-4-17(a)(7)

⁵ IC 31-25-4-13.1

⁶ Indiana Child Support Guidelines. Guideline 4. Modification, Commentary-Retroactive Modification

		and modifying orders that do not address medical support
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